

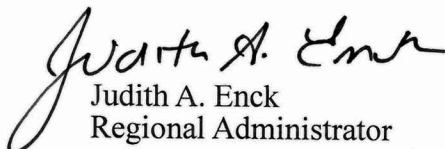
Region 2

JAN 19 2017

DELEGATION OF AUTHORITY – TOXIC SUBSTANCES CONTROL ACT

12-3-D. Emergency Temporary Restraining Orders

1. PURPOSE: This order redelegates certain authorities conferred on the Regional Administrator by Delegation 12-3D of the EPA Delegations Manual.
2. AUTHORITY: Pursuant to the Toxic Substances Control Act, including Section 17, to refer requests for Emergency Temporary Restraining Orders to the U.S. Department of Justice and to the appropriate United States Attorney.
3. TO WHOM REDELEGATED: The deputy regional administrator.
4. LIMITATIONS:
 - a. Redelegatees must obtain the advance concurrence of the regional counsel on the legal sufficiency of the referral before exercising this authority. The RC may waive concurrence in writing.
 - b. Redelegatees must notify the assistant administrator for the Office of Enforcement and Compliance Assurance before exercising this authority. The AA for OECA may waive the requirement for notification in writing.
5. FURTHER REDELEGATION:
 - a. This authority may be further redelegated to the division director level, and no further.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
6. ADDITIONAL REFERENCES:
 - a. Memorandum of Understanding between the U.S. Environmental Protection Agency and the U.S. DOJ, June 1977, 42 Fed. Reg. 48,942 (1977).
 - b. For referral of other civil actions under TSCA, see the Chapter 12 delegations entitled "Civil Judicial Enforcement Actions" and "Imminent Hazard Actions."


Judith A. Enck
Regional Administrator

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